

under Section 21.09, Penal Code, is prima facie evidence at a hearing authorized by Section 821.022 that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct prohibited by Section 21.09, Penal Code.

SECTION 8. Section 821.023(b), Health and Safety Code, is repealed.

SECTION 9. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; the Senate concurred in House amendments on May 25, 2017: Yeas 31, Nays 0; passed the House, with amendments, on May 21, 2017: Yeas 141, Nays 0, one present not voting.

Approved June 12, 2017.

Effective September 1, 2017.

A WRIT OF MANDAMUS BY A COURT OF APPEALS AGAINST CERTAIN JUDGES

CHAPTER 740

S.B. No. 1233

AN ACT

relating to a writ of mandamus by a court of appeals against certain judges.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 22.221(b), Government Code, is amended to read as follows:

(b) Each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against [a]:

(1) a judge of a district, *statutory county, statutory probate county*, or county court in the court of appeals district; ~~or~~

(2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; *or*

(3) *an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge.*

SECTION 2. (a) Section 22.221(b)(1), Government Code, as amended by this Act, applies only to a proceeding seeking a writ of mandamus filed in a court of appeals under Section 22.221, Government Code, on or after the effective date of this Act. A proceeding seeking a writ of mandamus filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

(b) Section 22.221(b)(3), Government Code, as amended by this Act, applies only to a suit filed under Chapter 45, Title 1, Title 4, or Title 5, Family Code, on or after the effective date of this Act. A suit filed under Chapter 45, Title 1, Title 4, or Title 5, Family Code, before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; the Senate concurred in House

amendment on May 26, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 23, 2017: Yeas 142, Nays 2, one present not voting.

Approved June 12, 2017.

Effective September 1, 2017.

MUNICIPAL REGULATION OF MANUFACTURED HOME COMMUNITIES

CHAPTER 741

S.B. No. 1248

AN ACT

relating to municipal regulation of manufactured home communities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) *In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.*

(b) *The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:*

(1) *the nonconforming use of the land constituting the manufactured home community is authorized by law; and*

(2) *at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.*

(c) *For purposes of Subsection (b), requiring a change in the nonconforming use includes:*

(1) *requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and*

(2) *declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.*

(d) *A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:*

(1) *nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and*

(2) *all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.*

(e) *A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d), prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.*

SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended by